

REMARKS

The claims in the application are 1-5, 7-14, 16, 17 and Claims 21-23 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The claims have been amended and Claims 6, 15 and 18 cancelled without prejudice to eliminate the objections raised in paragraphs 1 and 2 of the Office Action. In this regard, the amendment to independent Claim 1 finds support throughout the present application and drawings while Claims 21 and 23 find support, e.g., in Fig. 1 and Claim 22 finds support in Figs. 7 and 8.

Accordingly, the only outstanding issue is the art rejection of the claims. More specifically, Claims 1 and 2 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Pat. No. 1,464,448 to Silberman in paragraph 4 of the Office Action while Claims 1-20 have been rejected under 35 U.S.C. §103 as obvious over DE 10159140 in view of U.S. Pat. No. 6,591,454 to Brustle in paragraph 7 of the Office Action and Claims 6 and 14-20 additionally rejected further in view of U.S. Pat. No. 5,964,010 to Huber in paragraph 14 of the Office Action. However, it is respectfully submitted the invention as recited in all pending claims herein is patentable over the applied art, for the following reasons (reference will be made to preferred embodiments of the present invention illustrated in the drawings of the present application).

The present invention explicitly improves ease of mounting and de-mounting a braking deceleration device 1 upon a door or movable furniture flap 9.

This improvement is attained by the invention recited in independent Claims 1 and 22 and which is directed to an adaptor for the braking deceleration device 1 having a plunger 12 which can be pushed into a housing of the braking deceleration device 1 against force. More particularly, this adaptor comprises an adaptor body 10 having a recess encompassing the housing of the braking deceleration device 1 to allow the plunger 12 to extend or retract, and a smooth external surface to be fixed, via an attachment plate, to a furniture frame or carcass 5 (Claim 1) or an inside of a door or flap 9 (Claim 22).

The features of the presently claimed invention together with the accompanying advantages attained thereby, are neither disclosed nor suggested by the applied art, for the following reasons.

In paragraph 7 of the Office Action, it is asserted DE '140 shows an adaptor 2 for a braking deceleration device 9 having a plunger 14, 15 but lacking an accommodation recess. However, this "adaptor" 2 shown in DE '140 constitutes nothing more than a support or platform for the device 9 which rests thereon. Furthermore, this "adaptor" 2 constitutes part of the hinge mechanism in DE '140, unlike the present invention where the braking deceleration device is laterally spaced away from the hinge 7, permitting use of viscous damping fluid (please see, e.g., Claims 2, 3, 21 and 23).

In this regard, Brustle is applied, in paragraph 8 of the Office Action, as allegedly showing an "adaptor body" 2 for a braking device having a plunger 15 and which comprises a recess 7 to accommodate housing 20 of the braking device. However, this "adaptor body" 2 is disclosed in Brustle as a hinge arm, i.e., part of

the hinge mechanism and upon which the damper 20 is mounted(column 2, lines 45-50). Therefore, both Brustle and DE '140 fail to disclose an adaptor body 10 encompassing housing of a braking deceleration device 1 as in the claimed invention and essentially disclose the same arrangement over which the present invention is a distinct improvement.

Huber teaches a base carrier plate 1 and mounting plate 2 for a hinge, and therefore adds nothing to DE '140 and/or Brustle which would render obvious the invention recited in any claim. In paragraph 4 of the Office Action, it is asserted clip 8 of Silberman has a recess encompassing air piston 1 of a door check. However, bowed return spring 15 extends up and over the clip 8 and is explicitly considered a novel manner of mounting (page 1, column 1, lines 18-20). Unlike Silberman, the inventive adaptor body 10 encompasses the braking deceleration device 1.

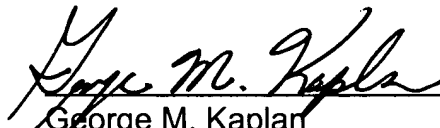
Furthermore, the door check in Silberman constitutes a single, integral entity so that the different components cannot be disengaged without using tools. The attachment plate 6 is permanently and pivotally affixed to clip 8 by pin 9 with the clip 8 consisting of two parts screwed together (Fig. 5). The air piston 1 is then fixed to the clip 8 by spring 15 which is mounted to stem 4 of the air piston 1 with a screw 18 (page 1, column 2, lines 59-68). In contrast, both the adaptor body 10 and the braking deceleration device 1 in the present invention can be disengaged from each other and the attachment plate without tools while, at the same time, the adaptor body 10 and braking deceleration device 1 retain their respective intended functions.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment and accompanying remarks, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. A petition for an automatic three month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the requisite petition fee, plus a Supplemental Information Disclosure Statement.

Early favorable action is earnestly solicited.

Respectfully submitted,


George M. Kaplan
Reg. No. 28,375
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Phone: 516-228-8484
Facsimile: 516-228-8516